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CITY AND COUNTY OF SAN FRANCISCO  
and WILLIAM FRAZIER

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SUSIE ABRAM,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, DEPARTMENT OF  
PUBLIC HEALTH; WILLIAM FRAZIER,  
DIRECTOR OF THERAPEUTIC  
ACTIVITIES, LAGUNA HONDA  
HOSPITAL

Defendant.

Case No. C07-3006 PJH

*E-filing case*

**DEFENDANTS' OBJECTIONS TO  
EVIDENCE OFFERED IN SUPPORT  
OF PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT OR, IN THE  
ALTERNATIVE, SUMMARY  
ADJUDICATION OF ISSUES**

Date: June 18, 2008  
Time: 9:00 a.m.  
Courtroom: 3, 17<sup>th</sup> Floor  
Hon. Phyllis J. Hamilton

Action Filed: June 8, 2007

Defendants City and County of San Francisco (the "City") and William Frazier hereby object and moves to strike the following evidence offered by Plaintiff Susie Abram ("Plaintiff") in support of her opposition to the City's motion for summary judgment or, in the alternative, summary adjudication of issues.

**A. Declaration of Plaintiff Susie Abram ("Abram Decl.")**

EVIDENCE	OBJECTION
1. "During my entire tenure of employment, I at all times performed all of my assigned and related duties in an excellent manner providing loyal and dedicated care to the patients of Laguna Honda Hospital." (Abram Decl. ¶ 2.)	Relevance FRE 401-402; Lack of personal knowledge/foundation. FRE 602; Improper opinion testimony. FRE 701.
2. "I began to experience a variety of discriminatory actions..." (Abram Decl. ¶ 4.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
3. "I had continued to perform all of my duties as excellently as I had done before." (Abram Decl. ¶ 4.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
4. "...have found it to be substantially false and misleading..." (Abram Decl. ¶ 6.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
5. "As a matter of fact, at the time Abram cam under Hanson's supervision, there were no issues concerning Abram's performance." (Abram Decl. ¶ 7.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
6. "I had already during the several years of my employment, exhibited and continued to exhibit more than excellent skills in all phases of my employment." (Abram Decl. ¶ 7.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
7. "I was also providing accurate documentation as required on a timely basis."	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703;

1 (Abram Decl. ¶ 7.)	conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
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3 8. "Hanson's statements here are false 4 and ridiculous. For years I had been 5 successfully creative in planning activities 6 and programs for the patients with no 7 complaints from anyone. 8 (Abram Decl. ¶ 8.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
9 9. "...Hanson refused to provide me with 10 appropriate computer training for calendaring 11 while others were provided with such." 12 (Abram Decl. ¶ 9.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997). Contradicts earlier 13 testimony that computer training was 14 available and Abram took it. (Abram Depo. 15 36:22 – 37:10.) <i>Cleveland v. Policy 16 Management Systems Corp.</i> , 526 U.S. 795, 17 806 (1999); <i>Block v. City of Los Angeles</i> , 253 18 F.3d 410, 419 (9 <sup>th</sup> Cir. 2001).
19 10. "...she put some of my things on the 20 table so other staff could take them." 21 (Abram Decl. ¶ 12.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
22 11. "As a matter of fact, Hanson provides 23 no factual basis for such performance rating 24 or the need for a development plan for me." 25 (Abram Decl. ¶ 15.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
26 12. "I was the only Activity Therapist 27 given a development plan even though I 28 performed all of my duties at least as well as my coworkers." (Abram Decl. ¶ 15.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
13 13. "I needed no development plan since 14 there was no evidence that I was not 15 satisfactory performing all my duties as 16 directed." 17 (Abram Decl. ¶ 16.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
18 14. "More often than not, I was 19 responsible for more wards than my fellow 20 activity therapists."	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel</i>

1	(Abram Decl. ¶ 16.)	<i>Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
2	15. "I was the only therapist placed on a development plan."	Lack of personal knowledge/foundation.
3	(Abram Decl. ¶ 16.)	FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
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5	16. "Some Activity Therapists are often over budget and are never questioned."	Lack of personal knowledge/foundation.
6	(Abram Decl. ¶ 17.)	FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
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8	17. "She offered me no computer training."	Lack of personal knowledge/foundation.
9	(Abram Decl. ¶ 18.)	FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997). Contradicts earlier testimony that computer training was available and Abram took it. (Abram Depo. 36:22 – 37:10.) <i>Cleveland v. Policy Management Systems Corp.</i> , 526 U.S. 795, 806 (1999); <i>Block v. City of Los Angeles</i> , 253 F.3d 410, 419 n.2 (9 <sup>th</sup> Cir. 2001).
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15	18. "Hanson told my co-workers not to help me."	Hearsay, FRE 801-802.
16	(Abram Decl. ¶ 18.)	
17	19. "Lynn refused to use the computer."	Lack of personal knowledge/foundation, FRE 601-602; Relevance FRE 401-402.
18	(Abram Decl. ¶ 18.)	
19	20. "Hanson was again setting me up for failure..."	Lack of personal knowledge/foundation.
20	(Abram Decl. ¶ 18.)	FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
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22	21. "Hanson placed my suspension notice where all of my co-workers could read it."	Lack of personal knowledge/foundation.
23	(Abram Decl. ¶ 19.)	FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
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25	22. "Lisa overheard me talking to Len and told Hanson that I had made money not knowing that I was a sale that I did at my home."	Lack of personal knowledge/foundation.
26	(Abram Decl. ¶ 20.)	FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
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23. "In November, 2003 as a result of the continuing efforts of Defendant Frazier to proceed with the pending disciplinary actions against me, ruining my exemplary career with the City, I suffered a nervous breakdown and was compelled to leave work to seek psychotherapy therefor. (Abram Decl. ¶ 22.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
24. "I had no performance issues as such. I always performed all of my assigned and related duties in at least satisfactory manner, and at least as well as my fellow Activity Therapists." (Abram Decl. ¶ 26.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
25. "I had no particular difficulty with record keeping and documentation..." (Abram Decl. ¶ 26.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
26. "All Activity Therapists were having problems with the paper changes." (Abram Decl. ¶ 26.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
27. "I always performed my duties in at least a satisfactory manner." (Abram Decl. ¶ 27.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
28. "Chinese New Years was not educational, Cinco de Mayo was not educational. Nothing was said about these programs." (Abram Decl. ¶ 28.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
29. "...Frazier said that every time I cook, people got sick from my cooking." (Abram Decl. ¶ 30.)	Hearsay, FRE 801-802.
30. "All activity therapists cook. Some of them cook all the time. Frazier said nothing to them. They were white." (Abram Decl. ¶ 30.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).

31. "...neither this disciplinary action nor other disciplinary actions taken against me were warranted. These disciplinary actions are unsupported by any evidence and are based simply upon general, false, fabricated, conclusory representations about my job performance." (Abram Decl. ¶ 33.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
32. "My white counterparts were not subjected to such unwarranted discipline." (Abram Decl. ¶ 33.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
33. "These actions were taken against me because of my race and color and in retaliation against me because I continued to complain about the unlawful discriminatory treatment of me by Frazier and Hanson to Frazier and Hanson and Willie Ramirez in Human Resources who refused to listen to my complaints." (Abram Decl. ¶ 33.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
34. "Hanson did not require other staff to do so." (Abram Decl. ¶ 34.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
35. "Hanson told Tracy that I was a problem." (Abram Decl. ¶ 34.)	Hearsay, FRE 801-802.
36. "Lisa overheard me talking to Len and told Hanson that I had made more money not knowing that I was talking about a sale that I did at my home." (Abram Decl. ¶ 35.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).
37. "After emotionally and physically collapsing on the job because of the extraordinary stress caused by the continuing unwarranted disciplinary actions against me, I had been compelled to leave work." (Abram Decl. ¶ 36.)	Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, <i>National Steel Corp. v. Golden Eagle Ins. Co.</i> , 121 F.3d 496, 502 (9 <sup>th</sup> Cir. 1997).



38. "I was forced to resign my position in June, 2005, as a result of the continuing efforts of Defendants to unlawfully pursue the pending disciplinary actions against me which were without cause or justification and which had ruined had my career."

(Abram Decl. ¶ 36.)

Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, *National Steel Corp. v. Golden Eagle Ins. Co.*, 121 F.3d 496, 502 (9<sup>th</sup> Cir. 1997).

39. "My continuing complaints of the discriminatory treatment by Frazier and Hanson were ignored and only resulted in stepped up hostility and unwarranted criticism of my employment which forced me to finally quit my employment to protect my sanity."

(Abram Decl. ¶ 38.)

Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, *National Steel Corp. v. Golden Eagle Ins. Co.*, 121 F.3d 496, 502 (9<sup>th</sup> Cir. 1997).

40. "I could no longer bear Defendants' unwarranted persistence in pursuing unwarranted disciplinary actions against me, the continuing discriminatory treatment to which my white counterparts were not subjected, the retaliation which resulted from my continuing complaints, and the harassment described above which had ruined my career as an Activity Therapist with the City and almost destroyed me emotionally."

(Abram Decl. ¶ 39.)

Lack of personal knowledge/foundation. FRE 602; Improper opinion FRE 701, 703; conclusion of fact and law, *National Steel Corp. v. Golden Eagle Ins. Co.*, 121 F.3d 496, 502 (9<sup>th</sup> Cir. 1997).

Dated: June 4, 2008

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